

REMARKS

This preliminary amendment is being submitted prior to examination and being filed concurrently with an RCE.

A fee is enclosed for the additional six dependent claims over twenty claims.

The last office action has been carefully considered.

In the last office action , the examiner rejected claim 1 citing Lupoi (US 4,192,666) in view of Barnett (US 3,270,736) under 35 USC 103 (a). The Examiner further rejected claims 3-4, 6, 10-14, 16, 18-20 under 35 U.S.C. 103 (a) over Lupoi and Barnett in view of Glover (US 6,180,196). The Examiner also rejected claim 9 in view of Lupoi , Barnett and Bassill et al. (US 6,630,650). Applicant respectfully traverses these prior art rejections for the following reasons.

Independent claims 1 have been amended herein to recite in pertinent part that a decorative ceramic element is attached to one of either a front exterior surface or a top exterior surface of said microwave oven Independent claims 10 and 14 substantially recite similar amendatory language.

As noted by the Examiner in the last office action, the patent to Lupoi does not teach a decorative ceramic element for covering an exterior surface of a microwave oven. Lupoi merely discloses use of a glass ceramic which can be stained for decorative purposes as surfaces for microwave oven shelves. There is nothing on the disclosure of Lupoi to suggest the use of decorative ceramic strips or the use of any decorative ceramic material on an exterior surface of a microwave oven.

Barnett discloses a heat insulating panel 15 that is sandwiched between two layers (see FIG. 2). The internal heat insulating panel 15 is not used for decorative purposes but for insulation purposes. The patent to Barnett does not disclose a decorative ceramic element that is attached to at least one of either a front exterior surface or a top exterior surface of a microwave oven. It is respectfully submitted that the claimed invention as now recited in independent claims 1, 10 and 14 is not disclosed or suggested by the cited prior art of the last office action either alone or in combination. It is therefore respectfully requested that these claims and the claims depending thereon be passed to issue.

Barnett discloses a heat insulating panel 15 and not a strip or plurality of strips as is recited by the claimed invention. The panel 15 of Barnett is a heat insulating panel and not a strip and provides heat insulation (see column 2, lines 18- 22). Accordingly this reference does not teach or disclose the claimed invention nor does Lupoi disclose one or more decorative ceramic strips as is recited by the claimed invention.

Further, in the last office action, the Examiner reasoned that "It would have been obvious... to cut onto a plurality of variable sized and shaped (decorative elements) to affix onto different areas of said exterior surface of said microwave oven (page2, paragraph 2). Applicant respectfully disagrees with this reasoning and respectfully submits that the Examiner is engaging in improper hind sight reconstruction of the claimed invention. None of the cited prior art references teach or suggest such a feature. As was held in a leading case:

"It is error to reconstruct the patentee's claimed invention from the prior art by using the patentee's claim as a 'blueprint.' When prior art references require selective combination to render obvious a subsequent invention, there must be some reason for the

combination itself. It is critical to understand the particular results the new combination achieved.” Interconnect Planning Corp. v. Feil, 774 F. 2d 1132 (Fed. Cir. 1985).

The references cited by the Examiner do not teach or suggest to cut onto a plurality of variable sized and shaped (decorative elements) to affix onto different areas of said exterior surface of said microwave oven. Accordingly, it is respectfully suggested that this rejection be withdrawn and that the claims be passed to issue.

New claims 21-27 recite additional subject matter that is not disclosed by the any of the cited references, alone or in combination. Claim 22 recites that the decorative element is configured to be affixed over an entire keypad of the microwave oven and that the element has openings within the element to allow a user to access said keypad of said microwave oven. Claims 25 and 28 recite similar subject matter. This feature is not disclosed or suggested by any of the cited references either alone or in combination.

In view of the amendments to the claims and arguments presented herein, it is respectfully requested that the claims remaining in the present application be passed to issue.

Allowance of the claims remaining in the present application is earnestly solicited.

Respectfully submitted,


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